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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/766,825      | 01/30/2004  | Hsien-Ta Huang       | BHT-3106-306        | 3854             |

7590 05/18/2005  
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| EXAMINER |
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FRIEDHOFFER, MICHAEL A

| ART UNIT | PAPER NUMBER |
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2832

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |  |  |  |
|------------------------------|--|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/766,825     | <b>Applicant(s)</b><br>HUANG, HSIEN-TA |  |
|                              | <b>Examiner</b><br>Michael A. Friedhofer | <b>Art Unit</b><br>2832                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2 prior to "direction" insert --a--.

In claim 1, line 3 "the main unit" and "said the surface" have no antecedent basis.

Further, either "said" or "the" should be used but not both.

In claim 1, line 5 "said the bottom" has no antecedent basis.

In claim 1, line 6 "said the multiple molded axles" has no antecedent basis.

In claim 1, line 6 it is unclear whether this is the same elastic ring already claimed or is a separate and distinct elastic ring.

In claim 1, line 7 "the bottom", "the top", and "the slot" have no antecedent basis.

In claim 1, line 7 it is unclear to which elastic ring is being referred.

In claim 1, line 8 "the main unit" has no antecedent basis.

In claim 1, line 9 "the bottom" has no antecedent basis.

In claim 1, line 9 it is unclear to what element "it" is referring and it should be replaced by the element to which it refers.

In claim 1, line 10 "the pressure reduction" and "the button" have no antecedent basis.

In claim 1, line 10 the phrase "besides, there" is awkward and confusing phraseology in this sentence.

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In claim 1, line 11 "said the elastic ring surface" has no antecedent basis.

In claim 1, line 11 prior to "soft" insert --a--.

In claim 1, line 12 "the bottom" has no antecedent basis.

In claim 1, line 13 it is unclear to which elastic ring is being referred.

In claim 1, line 14 "the top", "the slot", and "the main unit" have no antecedent basis.

In claim 1, line 15 "the handheld rigid plastic portion" and "the main unit base" have no antecedent basis.

In claim 1, line 17 it is unclear to what is being referred by the phrase "through this".

In claim 1, line 17 "the user", "the button", and "the unit" have no antecedent basis.

In claim 1, line 18 "the grasping force" and "the user's hand" have no antecedent basis.

In claim 1, line 19 "the functional button", "the bottom", and "the touch action" have no antecedent basis.

In claim 1, line 20 it is unclear to what element "this" is referring.

In claim 1, line 21 it is unclear whether these buffering devices are related to the ones already claimed or are separate and distinct devices.

In claim 1, line 22 "the bottom" has no antecedent basis.

In claim 1, line 22 it is unclear to which elastic ring is being referred.

In claim 1, line 23 "this way" and "the user" have no antecedent basis.

In claim 1, line 23 the phrase "a multiple protection from top to bottom" is awkward and confusing.

In claims 2-4, line 1 replace "As described in Claim 1 for a buffering protective controller," with --A buffering protective controller according to claim 1, wherein--.

In claim 2, line 2 the phrase "elastic silicone bushing with a through-hole" is singular where as the rest of the elements are a plurality.

In claim 2, line 3 "its top" and "the functional button" have no antecedent basis.

In claim 2, line 3 there should be only a single sentence within a claim.

In claim 2, line 4 "the through-hole height", "the pressure reduction", and "the functional button" have no antecedent basis.

In claim 2, line 4 "we" must be removed.

In claim 3, line 1 "the bottom" has no antecedent basis.

In claim 3, line 2 "the functional button", "the bottom", and "the bushing" have no antecedent basis.

In claim 3, line 3 there should be only a single sentence within a claim.

In claim 3, line 3 "this elastic pin" has no antecedent basis.

In claim 4, line 2 the phrase "like" creates a limitation within a limitation making the claim indefinite.

In claim 4, line 2 the phrase "...etc." is improper and makes the claim indefinite.

***Allowable Subject Matter***

2. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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3. Claims 2-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dola, Bedoya et al, Schmucker, Fournier, O'Keeffe et al, Ogata, Liu et al, Ito, and Neiser teach various handheld controller structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael A. Friedhofer  
Primary Examiner  
Art Unit 2832

maf